

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

CORBET JONES

PLAINTIFF

VERSUS

Civ. No. 2:22-CV-93-KS-MTP

**JONES COUNTY, MS; SHERIFF JOE
BERLIN; DEPUTY JAMES MANN; SGT.
JESSE JAMES; DEPUTY COLTON
DENNIS; CAROL JOHNSTON;
JANET HENDERSON; AND
DEPUTY MEKEDES COLEMAN**

DEFENDANTS

SECOND MOTION TO DISMISS

COMES NOW Deputy Mekedes Coleman, one of the Defendants herein, by and through counsel, and pursuant to the Courts' Order on September 25, 2023¹, and files this, her *Second Motion to Dismiss*, incorporating herein by reference, as if fully set forth herein in words and figures, the arguments and authorities set forth in the *Memorandum in Support of Second Motion to Dismiss* being filed simultaneously herewith, and would show unto the court as follows:

1. Plaintiff has failed to state a claim entitling him to relief and, accordingly, Plaintiff's *Second Amended Complaint* [Doc. 94], should be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6).

2. The allegations against this Defendant in the *Second Amended Complaint* [Doc. 94] mirror the allegations in the *First Amended Complaint* [Doc. 52].

¹ "Plaintiff filed the Second Amended Complaint on September 25, 2023. In light of this new pleading, the Court finds that the Motion for Judgment on the Pleadings Based on Qualified Immunity [61] filed by Defendants Joe Berlin and Janet Henderson, as well as the Motion to Dismiss [69] filed by Defendant Mekedes Coleman are denied without prejudice to refiling should the Defendants determine that grounds for dismissal remain." *Order*, [Doc. 95].

3. Plaintiff's recitals of the elements of numerous causes of action, supported by mere conclusory statements, does not satisfy plaintiff's pleading burden under § 1983.

4. Deputy Mekedes Coleman is entitled to dismissal of Plaintiff's federal constitutional claims on the basis of qualified immunity.

5. Plaintiff has not alleged that Deputy Mekedes Coleman violated any constitutional right of the Plaintiff that was clearly established at the time of the incident alleged in the Complaint.

6. At all times mentioned in the Complaint the conduct of Deputy Mekedes Coleman was objectively reasonable with respect to Plaintiff

7. Deputy Mekedes Coleman, in her individual capacity, is shielded from liability by the doctrine of qualified immunity.

8. Plaintiff's allegation also suffers from the distinct problem of group pleading: he simply faults Defendants as a group without factual material suggesting that any particular defendant violated the constitutional rights of Mr. Jones.

9. Defendants adopt and incorporate herein by reference, as if fully set forth herein in words and figures, the arguments and authorities set forth in the *Memorandum in Support of Second Motion to Dismiss* being filed simultaneously herewith.

CONCLUSION

WHEREFORE, PREMISES CONSIDERED, Defendant, Deputy Mekedes Coleman, pursuant to Rule 12 of Federal Rules of Civil Procedure, respectfully moves the Court to enter its' Order dismissing Plaintiff's *Second Amended Complaint* [Doc. 94], in her favor as to Plaintiff's federal constitutional claims and further directing that there is no just reason for delay in the entry

of final judgment on the dismissal of such claims as against this defendant under Rule 54(b) of the Federal Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this the 6th day of March, 2024.

Deputy Mekedes Coleman
Defendant

By: /s/Wesley C. Pinson

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CERTIFICATE OF SERVICE

I, Wesley C. Pinson, one of the attorneys for Defendant, do hereby certify that I served the above and foregoing pleading upon all counsel of record via the Court's ECF/CMF system, which will send notice of filing to all counsel of record.

This the 6th day of March, 2024.

/s/Wesley C. Pinson

Wesley C. Pinson (MSB#106508)